IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3306 of 1988

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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G S R T C - Petitioner(s)

Versus

ATMARAM S DAMARA - Respondent(s)

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Appearance :

MR HARDIK C RAWAL for Petitioner No(s).: 1.

RULE UNSERVED for Respondent No(s).: 1.

DS AFF.NOT FILED (R) for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 02/08/2005

ORAL JUDGMENT

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1. This petition is directed against the judgment and award dated 11th September, 1987 passed by the Labour Court, Surat in Reference [L.C.S.] No. 261/ 83, whereby the Labour Court has directed the petitioner Corporation

to reinstate the respondent with continuity in service and with the same seniority but without back wages.

2. The short facts of the case are that the respondent was working as a Conductor purely on temporary basis with the petitioner Corporation. While the respondent was on duty, a surprise checking was carried out by the petitioner Corporation wherein, certain financial irregularities were found by the checking squad. Therefore, charge sheet was issued and departmental inquiry was initiated against the respondent. Since the charges levelled against the respondent were proved, he was dismissed from the service.

2.1. Being aggrieved by the said order of dismissal, the respondent raised an industrial dispute which was ultimately referred to the Labour Court, Surat for adjudication. The Labour Court after considering the materials produced before it, passed the impugned award. Hence, this petition.

3. I have heard the learned counsel for the parties and have perused the materials produced on record. This

Court on 25th June, 1991 had passed the following order :-

> “It is clarified that as the respondent was a badli worker, the order of reinstatement means placing him in the original place in the seniority list so that he does not lose his seniority. In view of this clarification, no interim relief is necessary. “

3.1. In view of the clarification as aforesaid, I am of the opinion that the impugned award passed by the Labour Court is just and proper and find no reason to interfere.

4. In the result, the petition is dismissed. The impugned award passed by the Labour Court is confirmed. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

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